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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

JUDGMENT

IN

S.B. CRIMINAL APPEAL NO.343/2003

Hemraj S/o Harkesh
...Accused-Appellant

Versus

State of Rajasthan through Public Prosecutor
...Respondent

Date of Judgment ::: 1st March, 2007

PRESENT

HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN

Shri Vineet Kumar Dixit, Advocate, for
Shri Prem Kumar Sharma, Counsel for accused-appellant
Shri Arun Sharma, P.P., for the State

By the Court:-

Accused Hemraj S/o Harkesh has preferred this appeal against the judgment and order dated 7th of February, 2003, passed by the Additional Sessions Judge, Dausa, in Criminal Case No.48/2002, whereby he was convicted and sentenced under Section 376, IPC, to five years rigorous imprisonment and a fine of Rs.2000/-; in default of payment of fine to further undergo fifteen days additional rigorous imprisonment.

Complainant Gopal lodged an FIR on 26th of June, 2002, at Police Station Lalsot, wherein it was alleged that on that day his sister Mamta had gone to forest

to feed the cows and she came back at about 9.30 and told that Hemraj S/o Harkesh ravished her. The prosecutrix was medically examined and after receipt of FSL Report and on completion of investigation a charge-sheet was filed against the accused under Section 376, IPC. The trial court framed the charge of the above offence, which was denied by the accused and trial was claimed.

The learned trial court, after considering the evidence and arguments of both the parties, convicted and sentenced the accused-appellant.

I have heard the learned counsel for both the parties and minutely scanned the impugned judgment passed by the trial court.

PW-1 Mamta, in her statement, has stated about forcible sexual intercourse committed with her by the accused. Her statement has been corroborated by PW-2 Kasturi, PW-4 Gopal and PW-5 Smt. Dhanni. The medical-report of the prosecutrix is Exhibit P-8, which has been proved by PW-7 Dr. Gopal Khandelwal. Jai Kishan (PW-9) was the In-charge of the Police Station - Lalsot, and he has proved the Exhibits exhibited on behalf of the prosecution. The FSL Report dated 20.1.2003 (Exhibit P-14) shows that human semen was detected in Exhibit No.1 from Packet Marked A i.e.

Lahanga.

The learned counsel for the appellant could not point out any contradictions in the statement of prosecutrix Mamta so as to disbelieve her statement. On the other hand, her statement is corroborated with the statements of other prosecution witnesses, referred above. The accused, in his statement recorded under Section 313, Cr.P.C., contended that a false case has been registered against him. He is innocent.

After considering the statement of the prosecutrix and other witnesses and also the medical-report as well as the FSL report, I find that the learned trial court was right in convicting and sentencing the accused-appellant.

There is no merit in this appeal and the same is accordingly dismissed.

(Narendra Kumar Jain) J.

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